

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- December 8, 1971

Appeal No. 11001 Oliver M. Evans, appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and carried unanimously, the following order of the Board was entered at the meeting of December 14, 1971.

EFFECTIVE DATE OF ORDER -- June 15, 1972

ORDERED:

That the appeal for a variance from the rear yard and lot occupancy requirements of R-3 to permit erection of private garage at 3045 P Street, N. W., lot 909, Square 1269, be granted.

FINDINGS OF FACT:

1. The subject property is located in an R-3 District.
2. The property is presently improved with a single family residence.
3. The appellant requests a variance from the rear yard and lot occupancy requirements to build a garage.
4. The proposed garage will not change the present status of light and air regarding other properties.
5. At the public hearing, Mrs. Hinton, Chairman of Zoning for the Citizens Association of Georgetown stated "that the builder substituted a side yard for a rear yard and anyone who has one of those houses has a hardship built in."
6. No opposition was registered at the public hearing as to the granting of this appeal although there is one letter in opposition in the file.

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OPINION:

We are of the opinion that appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations and a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

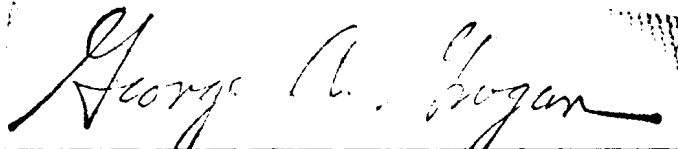
Further, we hold that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board is cognizant that its rules of procedure at the time of the hearing on this matter did not specifically provide for cross-examination but that there was no specific request for an opportunity to cross-examine made or denied. If any person participating in this proceeding believes that he has been prejudiced by the lack of an opportunity to cross-examine, the Board is disposed to entertain a motion to re-open this case to permit cross-examination. Such a motion should be made within fifteen (15) days from the date of this final decision. The motion should identify the witnesses to be cross-examined, as well as that portion of his testimony to be subjected to cross-examination. Specific reference to the transcript of proceedings will be helpful. Copies of the transcript of proceedings will be available for inspection by the public in the Offices of the Zoning Commission, District Building, Room 11A, 14th and E Streets, N. W. between 8:15 a.m. and 4:45 p.m. The motion should be forwarded to the Board in care of this address.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: _____



GEORGE A. GROGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.